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11 Attorney for Nicholas Victor Principe

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 NICHOLAS VICTOR PRINCIPE,

18 Defendant.

Case No. 2:21-mj-01036-BNW

**STIPULATION TO AMEND
COUNT ONE AND CLOSE
CASE**

19 IT IS HEREBY STIPULATED AND AGREED, by and between Jason
20 Frierson, United States Attorney, and Angelica Marmorstein, Assistant United
21 States Attorney, counsel for the United States of America, and Rene L.
22 Valladares, Federal Public Defender, and Ron Sung, Assistant Federal Public
23 Defender, counsel for Nicholas Principe, that the case be closed.

24 This Stipulation is entered into for the following reasons:

25 1. On December 16, 2021, Mr. Principe was charged in a two-count
26 Complaint with (1) Operating a Motor Vehicle while Under the Influence of

1 Alcohol, (2) Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher,
2 and (3) Golf Cart Operations. ECF No. 1.

3 2. On February 23, 2022, Mr. Principe entered into a Petty Offense
4 Plea Agreement with the government in which he agreed to plead guilty to Count
5 One of the Complaint, Operating a Motor Vehicle while Under the Influence of
6 Alcohol. ECF No. 10 at 1. The government agreed to dismiss Count Two,
7 Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher, and Count
8 Three, Golf Cart Operations. *Id.* at 1-2.

9 3. The parties jointly agreed to recommend Mr. Principe be sentenced
10 to unsupervised probation for one year, with the following special conditions: (i)
11 pay a \$500 fine and a mandatory \$10 penalty assessment; (ii) attend and
12 complete the Lower Court Counseling's DUI course and Victim Impact Panel; (iii)
13 complete an 8-hour online alcohol awareness course; (iv) not return to Lake Mead
14 for 6 months; and (v) not violate any local, state, or federal laws. ECF No. 10 at 2-
15 3.

16 4. The parties further agreed that, if, after 6 months of unsupervised
17 probation, Mr. Principe successfully completed special conditions (i), (ii), and (iii),
18 and (iv), they would move to withdraw his guilty plea to Count One and the
19 government would move to amend Count One to Reckless Driving, allow Mr.
20 Principe to plead guilty to Reckless Driving, and apply the original sentence to
21 the Reckless Driving conviction. ECF No. 10 at 3.

22 5. On February 23, 2022, this Court sentenced Mr. Principe pursuant
23 to the plea agreement. ECF No. 11.

24 6. This Court ordered the parties to file a Proposed Stipulation by
25 August 23, 2022, indicating that Mr. Principe has completed all outstanding
26 sentencing obligations. ECF No. 11.

1 7. Mr. Principe has successfully completed conditions (i), (ii), (iii), and
2 (iv). Accordingly, the parties jointly request Count One to be amended to Reckless
3 Driving and for the case to be closed.

4 DATED: August 23, 2022.

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6 RENE L. VALLADARES
7 Federal Public Defender

 JASON FRIERSON
 United States Attorney

8 By /s/ Ron Sung

 By /s/ Angelica Marmorstein

9 RON SUNG
10 Assistant Federal Public Defender

 ANGELICA MARMORSTEIN
 Assistant United States Attorney

11 **ORDER**
12 **IT IS SO ORDERED**

13 **DATED:** 2:58 pm, August 24, 2022

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15 **BRENDA WEKSLER**
16 **UNITED STATES MAGISTRATE JUDGE**
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